83-5620

In the
United States Supreme
Court October 1983 Term
Petitioner Thomas G. Dean
V.
Respondent: The U.S.A
Motion for Leave to
Proceed in forma-pauperis

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In The United States Supreme Court
October, 1983 term

Movant
Thomas G. Dean
V.
The United States
of America
Respondents 83-5620

Motion for Leave to proceed
in forma Pauperis

Pursuant to U.S.C.A. 28 § 1915 the movant hereby moves, in accordance of rule 46 of the rules of the Supreme Court, for leave to proceed without prepaid cost or Security.

Thus 28 U.S.C.A. § 1915 provide for the movant To proceed without prepaid cost.

The movant has attached an affidavit in Support of this motion. Leave has been granted in the District Court.

Thomas Dean
Thomas G. Dean

943 North Ave. N.E.
Atlanta, Georgia 30306
the movant

U.S. Supreme Court

Thomas G. Dean
Petitioner

-vs-

The United States of America
Respondent(s)

AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS

I, Thomas G Dean, being first duly sworn, depose and say that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. Are you presently employed: Yes (~~/~~) No ( )

   a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer.

   b. If the answer is no, state the date of last employment and the amount of the salary and wages per month which you received.
   A-1 meats 562 Rankin St. N.E.
   Atlanta Georgia. monthly wages $250.00

2. Have you received within the past twelve months any money from any of the following sources?

   a. Business, profession or form of self-employment? Yes ( ) No (~~/~~)
   b. Rent payments, interest or dividends? Yes ( ) No (~~/~~)
   c. Pensions, annuities or life insurance payments? Yes ( ) No (~~/~~)
   d. Gifts or inheritances? Yes ( ) No (~~/~~)
   e. Any other sources? Yes ( ) No (~~/~~)

   If the answer to any of the above is yes, describe each source of money and state the amount received from each during the past twelve months.

   _____

3. Do you own any cash, or do you have money in a checking or savings account? Yes ( ) No (X) If the answer is yes, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes (✓) No ( ) If the answer is yes, describe the property and state its approximate value. I own one bank note Approximate Value at present $ 200.00

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. Thomas G. Dean is depending 100% on MY own income.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1 day of October, 19 83.

Thomas G. Dean
Signature of Movant

In The United States
Supreme Court Oct. 1983

Jurisdictional Statement

Thomas G. Dean

V.

the U.S. America

83-5620

In the United States Supreme Court, October 1983 term

Appellant

Thomas G. Dean

V.

The United States of America

Appellees: 83-5620

Jurisdictional Statement

Comes Now, pursuant to rule 46 of the rules of the supreme Court, the appellant in the above style Civil Case and files this his Jurisdictional Statement in accordance of rule 15 of the rules of the Supreme Court.

Question presented for review

Whether the court has abused its discretion, and Why?

List of parties to the proceeding in the State Court

The petitioner, Thomas Dean
The United States of America
Lamar Cody
Micheal Mears
H. Raiford Hodges

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table of Authorities below

1) The court of the United States.
2) The Dept. of Justice.
3) The Petitioner.
4) The Constitution and laws of the United States.

Opinions Below

1) On Sept. 27th the United States District Court dismissed the case of Thomas G. Dean V. The United States of America on ground improper Venue.
2) On December 8, 1982 the United States District Court dismissed the case of Thomas G. Dean V. The United States of America for failure to State a claim and Lack of subject matter jurisdiction.
3) On April 26, 1983 the United States District Court dismissed the case of Thomas G. Dean V. Ben H. Carter etal for failure to state a claim.
4) On August 30, 1982 the United States District Court dismissed the Case of Thomas G. Dean V. The United States of America for failure to State a claim.

(4) represents, 1982.

statement of Jurisdiction below;

This is a Civil Rights proceeding, the Statutory basis for federal Jurisdiction is involved under U.S.C. 42 § 1981 et seq.

The date of the Judgment sought to be reveiwed is August 31, 1983, the date of the order respecting a rehearing is August 30, 1983, and the date the Notice of Appeal was filed is September 1983, and was filed in the United States District Crt. for the Northern District of Georgia, Atlanta Division.

The Statutory provision beleived to confer jurisdiction of the appeal on the Supreme Court is involved under U.S.C. 28 § 1253 and U.S.C. 28 § 1651. the petitioner involves U.S.C. 241, of title 18, and 18 U.S.C. § 242, 371, and 372, and U.S.C. 42 § 1983, 1985, and 1986, as cases beleived to sustain Jurisdiction. the constitutional provisions are set out which be involved below.

Article III of the United States Constitution section 1.

The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the congress may from time to time ordain

Article III § 2, U.S. Constitution:
The Judicial Power shall extend to all cases, in Law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their Authority;
Article IV § 1 U.S. Constitution:
Full faith and Credit shall be given in each State to the public Acts, Records, and judicial proceedings of every other State. And the Congress may by general Laws prescribe the manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof. § 2.
The Citizens of each State shall be entitled to all privileges and Immunities of Citizens in the several States. U.S.C.A. 1;
Congress shall make no laws abridging the right of the people peaceably to assemble, and to petition the goverment for a redress of grievances. U.S.C.A. 13;
Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to

their Jurisdiction. U.S.C.A. 14 § 1 et seq.; All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State where they reside. No State shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws. U.S.C. 42 § 1981 et seq.; All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, license, and exactions of every kind, and to no other. U.S.C. 42 § 1982; All citizens of the United States shall have the same

right in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

Statement of Material Facts

1) On May 28, 1982 the petitioner filed a Civil Rights Action in the United States District Court for the Northern District of Georgia (Thomas G. Dean V. The Dept. of Labor et al); case no. C82-1142A
2) On June 14, 1982 the petitioner moved to Amend the case to Add defendants
3) On June 21, the petitioner filed a Civil Rights Action in the United States District Court for the Northern District of Georgia (Thomas G. Dean V. The United States of America); case number C82-1288A.
3) On July 12, 1982 the defendants in civil Action C82-1142A moved to dismiss the case pursuant to rule 8 of the federal rules of civil procedure.
4) On July 19, the defendants in Civil Action C82-1288A (supra) moved to dismiss the case on grounds improper Venue.
5) On July 21, 1982 the petitioner moved pursuant to U.S.C. 42 § 1983 and 1985 and U.S.C. 18 § 241, and 242, to proceed for Affirmative relief

6) On Sept. 27 1982 the petitioners case was dismissed on grounds improper Venue after the issues of the complaint where consolidated, and petitioner was given 20 days inorder to file a new complaint. See Order filed in Civil Actions C82-1288A and C82-1142A.

7) On October 4, 1982 the petitioner filed a Civil Rights Action for rehearing in the United States District Court for the Northern District of Georgia. (Thomas G. Dean V. The United States of America) the case was docketed C82-2267A; the case and action was pursuant to U.S.C. 42 § 1986 and U.S.C.A. 14, and in complaint was alleged equal protection or that the United States or the District Court and the state of Florida conspired to deny petitioner equal protection of the laws.

8) On Nov. 18, 1982 the defendants moved to dismiss the case pursuant to U.S.C. 28 Judicial and Judiciary procedure rule 8.

9) On Nov. 22, 1982, the petitioner filed a civil Rights Action in opposition to Defendants motion to dismiss.
10) On Dec. 8, 1982, the Court dismissed Civil Action 22667 A (82) for failure to state a claim and lack of subject matter jurisdiction. Wherefore,
10) On Dec. 21, 1982 the petitioner filed a civil Rights Action in the Superior Court for fulton county State of Georgia, (Thomas G. Dean V. Ben H. Carter et al case was docketed C-93593.
11) On January 14, 1983 the defendants Ben H. Carter et al removed the case to the District Court pursuant to U.S.C. 28 1442.
12) On Jan. 17 the defendants moved for an extention of Time to Answer; On January 18th motion was granted.
13) On Febuary 18 the defendants moved to dismiss the case.
14) On Feb. 23, the petitioner Moved in opposition to the defendants motion to dismiss.
15) On March 2, 1983 the petitioner moved for Genuine

Judgment.

16) On April 26, 1983 the court dismissed the case for failure to state a claim.

17) On March 22, 1983 the petitioner filed a civil Rights Action in the United States District Court pursuant to U.S.C. 42 § 1983, 1985 and 1986, (Thomas G. Dean V. The United States of America et al). the case was docketed C83-0569A

18) On May 2, the petitioner moved to Amend the case for Declatory Judgment.

19) On May 19, 1983 the defendants moved to dismiss the case.

20) On June 21, the petitioner moved, to Add parties and persons for Just Ajudication, to compel and for Judgment by reason of default.

21) Plaintiff also moved to Declare the dept. of justice recused.

22) On August 30, 1983 the Court dismissed the case and denied all petitioners motions.

23) On May 3, 1983 U.S. District Court Judge Robert H. Hall entered an order in civil Action C83-0569A, (the case of which the Appeal is being taken) recusing himself

24) On May 31, 1983 U.S. District Court Judge J. Owen Forrester enter an order in Civil Action C83-0569A, (the case of which the appeal is being taken) recusing himself.

25) the case was heared and is being heared before three district court Judges pursuant to U.S.C 42 § 1986.

26) Plaintiff also petitioned the court for to Appear before the grand Jury.

Statement of the reasons why the Questions presented are so substantial as to require plenary consideration, with briefs on the merits and oral argument for their resolution.

Yick Wo V. Hopkins 118 U.S. 356, 369, (1886). Equal protection of the laws means equal Laws. It prohibits all invidious discrimination but does not require identical treatment for all persons without recognition to material circumstances. It requires that equal protection be given to all persons in the enjoyment of their personal and civil Rights; that all persons be equally entitled to pursue their happiness and aquire and enjoy property; that they should have like access to the courts of the country for the protection of their persons and property, the prevention and redress of wrongs and the enforcement of contracts; that no impediment be interposed to the pursuit of anyone except as to the pursuit of others under like circumstances; that no greater burden be

laid upon one than are laid upon others in the same calling and condition. The guarantee of equal protection was aimed hostile discrimination and the oppression of inequality. Barbier V. Connolly 113 U.S. 27, 31, (1885); Bachel V. Wilson, 204 U.S. 36, 41, (1907); Frost V. - Corporation Commission 278 U.S. 515, 522 (1929); Smith V. Cahoon, 283 U.S. 553, 566-567 (1931).

For these reason the questions presented are so substantial as to require plenary consideration with briefs on the merits, and oral argument for their resolution

A showing of the matters in which it is contended that the court has abused its discretion.

On May 28th, 1982, June 21, 1982, Dec. 21, 1982 and March 22, 1983 the appellant filed Civil Rights Actions which allege Federal Questions of due process, equal Protection of the Laws, and deprivation of Federal Civil rights.

The court dismissed the actions for improper Venue, Failure to state a claim upon which relief can be granted, and Lack of subject Matter Jurisdiction, the court further dismissed the actions for Failure to state a claim.

The questions before the court was not whether Venue was proper or whether the complaint lacked subject matter Jurisdiction, and as to failure to state a claim, the appellant cited U.S.C. 42 § 1983, 1985, 1986, and set them out in verbatim, which the appellant contend's constitute a state-

ment of a claim and is a claim. The questions before the court was whether the plaintiff should recover damages for the deprivation of rights, privileges, and immunities, secured by the constitution and laws of the United States, committed under color of Law; Whether the plaintiff should recover damages from persons who had knowledge that wrongs mentioned in section 1985 of title 42 where about to occur and had power to prevent and refuse so to do; Whether the plaintiff should recover damages for conspiracy, or overt acts in furtherance of objects of conspiracie mentioned in section 1985 of title 42 U.S.C., whereby the plaintiff was injured in person or property, and deprived of rights and privileges of cl citizens of the United States; Whether the plaintiff should recover damages, or equitable relief or other relief from acts of congress providing for the protection and security of civil Rights; thus where the questions.

U.S.C. 28 § 1391 gives a court no order for dismissal, and the plaintiff is immune from the provisions of that section in its text. The course of the opinion prejudice the plaintiffs claims in that U.S.C. 42 § 1986, 1985 and 1983 where set out verbatim and considered by court to be no claim. In every case Laws where cited by the plaintiff in sections 1983, 1985 and 1986 of title 42 United States Code; the court in stateng that the complaint Lack subject matter Jurisdiction is equal to a court abandoning property.

these questions should have never been raised. in motion to dismiss and is barred by the United States Constitution, Amendment 14 § 1 et seq..

The complaint was not subject to dismissal in that it alleged Federal questions of due process, equal protection, Violation of contracts, benefit of all, Laws, and deprivation of rights privileges and immunities.

the questions the court answered should have never

been raised.

Section 1983 of title 42 U.S. Code:

Every person who, under color of any statute, ordinance, regulation, customs, or usage of any State, territory, or the District of columbia, subjects or cause to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the constitution and Laws, shall be liable to the party injured in an action at Law, suit in equity, or other proper proceeding for redress. R.S. § 1979; Pub. Law 96-170, § 1, Dec. 29 1979, 93 Stat. 1284.

A plaintiff who can prove actual damages in a section 1983 suit, is entitled to recover such damages from a defendant who deprived him of his civil Rights. The only elements which need be present in order to establish a claim for damages under this federal civil

Rights Act are, that the conduct complained of was engaged in under color of local Law, and that such conduct subjected the plaintiff of rights, privileges, and immunities secured by the constitution of the United States. Marshal V. Sawyer, 301 F2d 639 (6a9 1962). Section 1985 of title 42 U.S. Code states as follows: If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or hold any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave the State, District or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engage in the lawful discharge thereof, or injure

his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;
(2) If two or more person in any State or Territory conspire to deter, by force, intimidation or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, truthfully, and fully, or to injure such party or witness in his persons or property on account of his having so attended or testified, or to influence the Verdict, presentment, or indictment, of any grand or petit Juror in any such court, or to injure such juror in his persons or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being, or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating the due course of Justice in any State or

Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or classes of persons, to the equal protection of the Laws; (3) If two or more persons in any State or Territory conspire or go in disquise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or classes of the equal protection of the Laws or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the Laws ... In any case of conspiracy set forth in this section, if one or more persons engaged therein do or cause to be done any act in furtherance of the object

of such conspiracy, whereby another is injured in his person or property or deprived of having any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators. R.S. § 1980

Section 1652 of thus U.S.C.A. 28:

The laws of the several States, except where the constitution or treaties of the United States or Act of Congress otherwise require or provide, shall be regarded as rules of decision in Civil Actions in the Courts of the United States, in cases where they apply. (June 25, 1948 C. 646 § 1, 62 Stat. 944.)

A tort is the unlawful Violation of a private legal right other, than mere breach

of contract, expressed or implied; or, it may be the Violation of public duty, by reason of which some special damages accrues to the individual. GA. Code 51-1-1

Breach of Legal duly:

When the law requires one to do an act for the benefit of another, or to forebear the doing of that which may injure another, though no action be given in express terms, upon the accrual of damage the injured may recover. See U.S.C. 42 § 1983, and Georgia Code 51-1-6

When a defendant moves to dismiss an action and the plaintiff opposes, if such action be dismissed the party dismissing is in violation of U.S.C. 42 § 1983 and 1985, for which the above rule applies.

the Appellees in this case have continually deprived the plaintiff of civil Rights dismissal of actions which should not be dismissed.

In all cases he who maliciously procures an injury to be done to another, whether it be an actionable wrong or a breach of contract, is a joint wrongdoer, and may be sued either alone or jointly with the actor. See U.S.C. 42 § 1985.

the atlorney for the U.S. Dept. of Justice moving in a malicious manner to dismiss plaintiffs action pursuant to a Federal rule of local practice, constitutes the procuring of an injury and thus rule supra applies, when a rule authorizing to disregard a complaint, is only authorizing the dismissal of a complaint filed subsequent to orginal complaint, and by an adverse party see rule 2 supra. See U.S.C. | 42 § 1985 an 86.

False imprisonment consist in the unlawful detention of the person of another, for any

lenth of time, whereby he is deprived of his personal Liberty. GA. Code 51-7-20 and 51-7-2, and 51-7-1.

The Court unlawfully, pursuant to U.S.C 18 § 1503 and U.S.C. 42 § 1981, detaining the plaintiff before it depriving him of Civil Rights constitutes false imprisonment. See U.S.C. 42 § 1986, 1985, 1983.

and where the act of false imprisonment is the act of several persons, all shall be responsible for the entire recovery.

Any abuse of, or damage done to, the personal property, unlawfully, is a trespass for damages may be recovered. 51-10-3 GA Code title 51.

the owner of personality is entitled to the possession thereof. Any deprivation possession is a tort for which an action lies. GA. Code 51-10-1.

U.S.C. 42 § 1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in Section 1985 of this title, are about be committed, and having power to prevent, or aid in preventing the commission of the same neglects or refuse so to do, if such wrongful act be committed, shall be liable to the party injured or his legal representatives for all damages caused by wrongful act which person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and number of persons guilty of such wrongful refusal or neglect may be joined as defendants in the action;

Declaration of Thomas G. Dean, the Plaintiff

On March 22, 1983 Thomas G. Dean filed a civil Rights Action in the United States

District Court for the Northern District of Georgia, the case was docketed C83-0569A, Thomas G. Dean V. The United States of America. the allegation and claims made in complaint or otherwise made where made by thomas G. Dean while exercising privileges and immunities secured by the constitution of the United States.

Section 241 of thus U.S.C.A. 28 states:

If two or more person conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of any right

or privilege so secured;

they shall be fined not more than $ 10,000 or imprisoned not more than ten years or both; and if death results they shall be subject to imprisonment for any term of years or for Life.

for these reasons it is contended that the court has abused its discretion.

Thomas G. Dean
943 North Ave. N.E.
Atlanta Georgia 30306
404- 872- 3626

Thomas G. Dean

the Appellant and Petitioner

Rev 31
Rev 7 ##

JUDGMENT IN A CIVIL CASE

United States District Court	DISTRICT NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION
CASE TITLE THOMAS G. DEAN V USA, ETAL	DOCKET NUMBER C83-563 NAME OF JUDGE OR MAGISTRATE ROBERT L. VINING,JR.

☐ Jury Verdict. This action came before the Court and a jury with the judicial officer named above presiding. The issues have been tried and the jury has rendered its verdict.

☒ Decision by Court. This action came to trial or hearing before the Court with the judge (magistrate) named above presiding. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Finding for the defendants and against the Plaintiff that all claims be dismissed and that the defendants UNITED STATES OF AMERICA, MICHAEL MEARS, H. RAIFORD HODGES AND LAMONT CODY recover of Plaintiff THOMAS G. DEAN the costs of the action.

FILED AND ENTERED IN CLERK'S OFFICE
AUG 31, 1983
BEN H. CARTER,CLERK

by: Paula Price
deputy clerk

CLERK		DATE
BEN H. CARTER		08/31/83
(BY) DEPUTY CLERK Paula Price Paula Price		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
AUG 30 1983
By JAMES H. HATTEN, Clerk
Deputy Clerk

THOMAS G. DEAN,

Plaintiff,

vs.

UNITED STATES OF AMERICA, et al.,

Defendants.

CIVIL ACTION

No. C 83-569 A

O R D E R

This suit is simply one of many suits filed by the plaintiff seeking redress for various perceived wrongs. This suit is brought under the Civil Rights Act and basically alleges that Decatur Federal Savings and Loan Association did not pay him proper interest on his account there. He filed suit in DeKalb County and, apparently, Michael Mears, as counsel for Decatur Federal Savings and Loan Association, filed an answer. H. Raiford Hodges, Jr., is secretary of Decatur Federal Savings and Loan Association and verified the answer to the suit that had been filed by the plaintiff in DeKalb County. In his complaint the plaintiff further alleges that the drainage system of the house wherein he is living does not work property and that the owner of the house, Lamont Cody, refuses to clean up the yard and also refuses to repair the

drainage. In his complaint the plaintiff also complains of various orders by Judge Robert H. Hall of this court relating to the service of process and the marshal's refusal to serve process because of the new provisions for such service in Rule 4, Federal Rules of Civil Procedure.

The plaintiff has sought to amend his complaint to add new parties and new claims. These new claims relate primarily to his service of a probationary sentence imposed by a Florida court and are in no way related to the claims in the plaintiff's original suit.

There are absolutely no factual allegations in the plaintiff's verbose and rambling complaint that would support any kind of civil rights action against either Decatur Federal's attorney or its secretary. Likewise, there is absolutely nothing in the complaint which would show that the plaintiff has a civil rights action against his purported landloard. Additionally, the marshal's refusal to serve process is in compliance with Rule 4 and is not a violation of 42 U.S.C. § 1990; the plaintiff's allegations state no claims against the United States whatsoever.

The plaintiff has moved to "declare the Department of Justice recused." This motion is based upon the plaintiff's allegation that the Department of Justice has conspired to violate his civil rights and is obstructing justice. The plaintiff bases these allegations on the fact that the

Department of Justice, through Assistant United States Attorneys, has filed motions to dismiss his claims in this case and in other lawsuits. The plaintiff's motion is clearly without merit and is DENIED.

The plaintiff's complaint even when read very liberally fails to state a claim upon which relief can be granted. The court further finds that since the proposed amendment does not relate in any way to the claims in the original suit, the amendment should not be allowed. Consequently, the court will DENY the plaintiff's motion amend and will further dismiss his complaint for failure to state a claim.

SO ORDERED, this 23rd day of August, 1983.

Robert L. Vining, Jr.
ROBERT L. VINING, JR.
United States District Judge

U. S. D. C. Atlanta

MAY 31 1973

By DEN M. CARTER, Clerk
Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THOMAS G. DEAN :
:
vs. : CIVIL ACTION NOS. C-[illegible]-2296-A
: C-73-569-A
OFFICER W. L. FANCETT, :
ET AL :

O R D E R

The plaintiff in the above-styled actions has previously filed a case in this district in which the undersigned was named as a defendant, therefore,

IT IS ORDERED that the undersigned recuses himself from ruling on these matters and directs the clerk to reassign the actions to another judge.

IT IS SO ORDERED this 31st day of May, 1973.

J. [illegible] Forrester
UNITED STATES DISTRICT JUDGE

"Appendix C"

Best Copy Available

[redacted]

[redacted] CIVIL ACTION

[redacted] 283-1930

[redacted]

O R D E R

[redacted]

[redacted]

[redacted]

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

THOMAS G. DEAN,

Plaintiff,

vs.

BEN H. CARTER, et al.,

Defendants.

CIVIL ACTION

NO. C83-972A

ORDER

This matter is before the Court on the motion of the defendants for an extension of time to answer or otherwise respond to the complaint. Having reviewed the motion and supporting memorandum, and for good cause shown,

IT IS HEREBY ORDERED that the defendants' time to answer or otherwise respond to the complaint is extended up to and including February 18, 1983.

SO ORDERED this 19th day of January, 1983.

UNITED STATES DISTRICT JUDGE

...N CLERK'S OFFIC
U.S.D.C. - Atlanta

APR 26 1983

BEN H. CARTER, Clerk
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THOMAS DEAN :
:
VERSUS : CIVIL NO. C-83-72-A
:
BEN H. CARTER, et al. :

O R D E R

Presently pending before the court is the defendants' motion to dismiss or, in the alternative, for summary judgment, and the plaintiff's motion for "genuine" judgment. The complaint was brought initially in state court and was removed to federal district court under 28 U.S.C. §1442(a)(1).

Insofar as the allegations in the complaint can be understood, the plaintiff is apparently proceeding on some unstated theory[1] against two judges of this court for dismissing three other lawsuits filed by him. United States District Judge J. Owen Forrester dismissed Thomas G. Dean v. Florida Department of Labor and Employment Security, Civ. No. 82-1142A, and Thomas G. Dean v. United States of America, Civ. No. 82-1288A, on September 27, 1982. United States District Judge Robert H. Hall dismissed Thomas G. Dean v. USA, Civ. No. 82-2267A, on December 8, 1982. The plaintiff also alleges that two magistrates of this court somehow "illegally detained" and falsely imprisoned him when asking him to complete the forms necessary to bring an in

forma pauperis complaint. United States Magistrate Joel M. Feldman and United States Magistrate Robert J. Castellani are the magistrates named.

The allegations of this portion of the complaint are dismissed for failure to state a claim. Judicial officers such as judges and magistrates are clothed with absolute immunity from suits for damages for judicial acts undertaken in their official capacity. Butz v. Economou, 438 U.S. 478 (1978); Rheuark v. Shaw, 628 F.2d 297 (5th Cir.) cert. denied, 450 U.S. 931 (1980). Any actions taken by the judges and magistrates named as defendants in this suit in dismissing the plaintiff's suits and in directing him in the procedure to be taken to bring suit in forma pauperis were clearly judicial acts undertaken in their official capacities. The judges and magistrates are therefore immune from damages and the complaint against them is dismissed.

The plaintiff also named the clerk of court, Ben H. Carter, as a defendant. However, the complaint itself does not contain any factual allegations concerning Mr. Carter although some mention is made of the clerk's office. Since the complaint is devoid of any facts concerning the conduct of Mr. Carter individually, the court is unable to discern what cause of action, if any, the plaintiff is attempting to state. Fed.R.Civ.P. 8(a)(2) requires that the complaint set out a short and plain statement of the claim showing that the pleader is entitled to

relief. The purpose of Rule 8(a)(2) is to give the other party fair notice of the plaintiff's claim and the grounds therefor. Conley v. Gibson, 355 U.S. 41 (1957). The petitioner has not only not complied with the rule; he has not set forth any specific allegations or even generalities concerning his supposed claim against the defendant Carter. It is not possible for the court to determine what relief the plaintiff is seeking against Mr. Carter or for Mr. Carter to adequately respond. The complaint against Mr. Carter is dismissed without prejudice for failure to comply with rule 8(a)(2). Accord Gordon v. Green, 602 F.2d 743 (5th Cir. 1979).

The plaintiff also named as defendants two members of the United States Attorneys' office, James E. Baker, who was apparently Acting United States Attorney at the time some of the events complained of occurred, and Assistant United States Attorney Barbara V. Tinsley. Insofar as the allegations against them can be understood, the plaintiff is apparently alleging that these defendants moved to dismiss his complaints in the suits against the United States mentioned supra, and also that someone in the United States Attorney's office refused to prosecute "someone" from the State of Florida.

The conduct of the United States Attorneys in moving to dismiss a lawsuit simply cannot afford the plaintiff the right to recover damages. The court cannot think of any theory on which

the plaintiff can recover against Ms. Tinsley or Mr. Baker for moving to dismiss a civil complaint, conduct which is, after all, permitted by the Federal Rules of Civil Procedure by which this court is governed. See Fed.R.Civ.P. 12(b)(6). As to the refusal to prosecute "someone" in Florida on information supplied by the plaintiff, the defendants Tinsley and Baker are absolutely immune when acting within the scope of their prosecutorial duties. Imbler v. Pachtman, 424 U.S. 409; Stepanian, II v. Addis, Civ. No. 81-5670 (11th Cir., March 7, 1983). The decision whether to prosecute is certainly encompassed within the scope of prosecutorial duties. The defendants' decision not to prosecute is therefore cloaked with absolute immunity. The motion to dismiss for failure to state a claim against Ms. Tinsley and Mr. Baker is also granted.

The plaintiff's motion for "genuine" judgment is denied. His motion merely repeats or restates without any additional clarity the previous allegations in the complaint. Furthermore, having granted the motions to dismiss by all the defendants, the court is deprived of jurisdiction to hear any further motions.

The defendants' motion to dismiss is granted. The plaintiff's motion for genuine judgment is denied.

IT IS SO ORDERED this 26th day of April, 1983.

William C. O'Kelley

WILLIAM C. O'KELLEY
United States District Judge.

1 In his recent response to the defendants' motion to dismiss, the plaintiff does, however, set out several statutes under which he asserts that jurisdiction lies, 18 U.S.C. §§241 and 242, and 42 U.S.C. §§1983, 1985, 1986 and 1981. Mr. Dean also states that his claim lies under the Fourteenth Amendment to the United States Constitution.

JUDGMENT ON DECISION BY THE COURT

United States District Court FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THOMAS DEAN

BEN H. CARTER, J. OWEN FORRESTER, ROBERT J. CASTELLANI, JOEL M. FELDMAN, BARBARA V. TINSLEY, JAMES E. BAKER AND ROBERT H. HALL

CIVIL ACTION DOCKET NO. C83-72A

JUDGMENT

This action came on for ~~trial~~ Consideration before the court, United States District Judge ~~(No. presiding)~~ William C. O'Kelley presiding. The issues having been duly ~~tried~~ Considered and a decision having been duly rendered, it is ordered and adjudged .....

That the plaintiff take nothing, that the action be dismissed and that the defendants BEN H. CARTER, J. OWEN FORRESTER, ROBERT J. CASTELLANI, JOEL M. FELDMAN, BARBARA V. TINSLEY, JAMES E. BAKER AND ROBERT H. HALL recover of the plaintiff THOMAS DEAN their costs of action.

FILED AND ENTERED
IN CLERK'S OFFICE
April 27, 1983
BEN H. CARTER, Clerk
by Pat Austin
Deputy Clerk

Dated at: Atlanta, Georgia

Date: April 27, 1983
BEN H. CARTER, CLERK
Pat Austin
Deputy *Clerk of the Court*

United States District Court

FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

THOMAS G. DEAN

vs.

UNITED STATES OF AMERICA

CIVIL ACTION DOCKET NO. C[illegible]-2267A

JUDGMENT

This action came on for ~~trial~~ Consideration before the court. United States District Judge ROBERT H. HALL presiding. The issues having been duly ~~tried~~ Considered, and a decision having been duly rendered, it is ordered and adjudged .....

FINDING for The Defendant and against the Plaintiff that the Defendant UNITED STATES OF AMERICA recover of the Plaintiff THOMAS G. DEAN the costs of the action., and that that action be DISMISSED.

FILED AND ENTERED IN CLERK'S OFFICE
this the 09th day of December, 1982
BEN H. CARTER,CLERK

BY: Paula Parks
deputy clerk

Dated at: ATLANTA, GEORGIA

Date: 12/09/82
BEN H. CARTER,CLERK

BY: Paula Parks
deputy Clerk of the Court

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

THOMAS G. DEAN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. C82-2267A
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant.	:	

ORDER

The above matter having come before the Court upon the Defendant's Motion to Dismiss, and the same having been read and considered;

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss is hereby granted. The Court finds that the Complaint fails to state any claim upon which relief can be granted and fails to properly invoke the jurisdiction of the Court. Accordingly, the Complaint is hereby dismissed for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction.

IT IS SO ORDERED this 5 day of December, 1982.

Robert H. Hall

ROBERT H. HALL
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

THOMAS G. DEAN

VS

UNITED STATES OF AMERICA

Civil Action No. C82-1288A

JUDGMENT

The Court, Honorable J. OWEN FORRESTER United States District Judge, by order of this date, having DISMISSED this action,

JUDGMENT is hereby entered in favor of the ~~respondent(s)~~ defendant and against the ~~petitioner(s)~~ plaintiff.

Dated at Atlanta, Georgia, this 27th day of September, 1982.

BEN H. CARTER, Clerk

By /s/ B. Stanley
Deputy Clerk

FILED AND ENTERED
IN CLERK'S OFFICE
This 27th day of September, 1982

Ben H. CARTER, Clerk
By /s/ B. Stanley
Deputy Clerk

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 27 1982
JAMES N. HATTEN, Clerk
By: Deputy Clerk

THOMAS G. DEAN,

Plaintiff,

vs. : CIVIL ACTION NO. C82-1142A

FLORIDA DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY,

Defendant.

THOMAS G. DEAN,

Plaintiff,

vs. : CIVIL ACTION NO. C82-1288A

UNITED STATES OF AMERICA

Defendant.

ORDER

Plaintiff Thomas G. Dean has filed two actions which are now before the court which allege violations of his civil rights. They are in many respects duplicative, containing the same allegations as well as the same documents and exhibits, and they will therefore be treated together.

Dean's action against the Florida Department of Labor and Employment Security is before the court on four motions. First, Kenneth H. Hart, Jr., attorney for the Florida Department of Labor and Employment Security, has filed a petition for special appearance in this action. Attorney Hart has shown that he is a member in good standing in the Florida bar and is a member in good standing of the United States District Courts for the Northern, Middle and Southern Districts of Florida. Accordingly, pursuant to Local Court Rule 71.4, he is hereby GRANTED permission to practice in this case.

Plaintiff has filed a motion for judgment by reason of default and a request for permission to amend the complaint to add defendants. Defendant Florida Department of Labor and Employment Security has filed a motion to dismiss.

Plaintiff's lengthy and rambling pleadings, broadly construed, see Haines v. Kerner, 404 U.S. 519 (1972), allege that since plaintiff's May 5, 1980 conviction, apparently in the State of Florida, for sexual battery, and the imposition of a five-year parole sentence, numerous state and local agencies, individual employees of various state and local agencies, and privately owned businesses have conspired against him to deny him employment. Since the bulk of this action appears to arise out of events which occurred exclusively in the State of Florida, venue is not proper in this district. Accordingly, this action, which alleges conspiratorial acts which occurred in the State of Florida, is DISMISSED because venue is improper. See 28 U.S.C. § 1391(b) (1976). Plaintiff, however, may refile his complaint in the Federal District Court in which venue is proper.

The defendant in C82-1288A, the United States of America, has filed a motion to strike plaintiff's complaint pursuant to Fed.R.Civ.P. 12, or, in the alternative, to dismiss the complaint pursuant to Fed.R.Civ.P. 8(a)(e) on the ground that it does not state the grounds of plaintiff's claim with sufficient particularity to permit the defendant to frame adequate responses. After a careful review of the pleadings in this case, which with exhibits number over 100 pages, the court agrees. Inasmuch as plaintiff's claims are extremely confused and lengthy, defendant's motion to dismiss the complaint is GRANTED. See Gordon vs. Green, 602 F.2d 743 (5th Cir. 1979). Plaintiff may file a new complaint regarding matters for which venue is proper in this court within twenty (20) days of the date of this order, and the claims in any such new complaint shall relate back for purposes of the statute of limitations to the filing of the complaint in this action. Each averment of any complaint

filed shall be simple, concise, and direct in compliance with Fed.R.Civ.P. 8(a) and (3).

In sum, Civil Action No. C82-1142A is DISMISSED because venue is improper. Civil Action No. C82-1288A is DISMISSED, and plaintiff may refile within twenty (20) days of the filing date of this order a new complaint in compliance with Fed.R.Civ.P. 8.

IT IS SO ORDERED this 23rd day of September, 1982.

J. OWEN FORRESTER
UNITED STATES DISTRICT JUDGE

In the United States District Court for the Northern District of Georgia Atlanta Division

C83-0569A

Petitioner Thomas G. Dean

V.

Respondents The United States of America et al

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta
SEP 1 '91983
JAMES H. CARTER, Clerk
Deputy

Notice of Appeal

The petitioner Appeals to the Supreme Court to review the judgment of the court inception (supra) enter. Aug. 31, 1983. The Appeal is being taken pursuant to U.S.C. 28 § 1253 and 1257.

Thomas G. Dean
9443 North Ave
N.W. Atlanta
Georgia

Thomas G. Dean

Best Copy Available

In the United States Supreme Court
October, 1983

Petitioner

Thomas G. Dean

V.

The United States
of America etal

Respondents

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
SEP 19 1983
BEN F. CARTER Clerk
By: Deputy Clerk

Notice of Appeal

The petitioner Appeals to the United States Supreme Court to review the judgment enter August 31, 1983 in civil Action C83-0569A in the United States District Court for the Northern District of Georgia Atlanta Division, (Thomas G. Dean V. The United States of America). The appeal is being taken pursuant to U.S.C. 28 § 1253, and 1257, U.S.C. 42 § 1982 and 1981 et seq.

Thomas G. Dean

943 North Ave N.E.
Atlanta Georgia 30306
404-872-3626, the petitioner

In The United States Supreme Court
October, 1983

Petitioner
Thomas G. Dean
V.
The United States
of America et al
Respondents

Affidavit of Service

The undersigned certifies that a copy of the foregoing notice of Appeal has been served upon the following Defendants by depositing a true and correct copy in U.S. mail:

(1)
The United States of America
75 Spring St. S.W. Atlanta
Georgia 30335 suite 1800,

(2)
Lamar Cody, 2267 Glenwood rd.
Decatur Georgia 30030,

(3)
H. Raiford Hodges, 250 E. Ponce
De Leon Ave. Decatur Georgia
suite 100, 30030,

(4)

Micheal Mears. 250 E Ponce Deleon Ave. Decatur Georgia Suite 330, 30030,

(5)

The Georgia Dept of Offender Rehabilitations, Rainbow Dr. Decatur Georgia 30030, and

(6)

The Village Inn Restaurant and Lounge, 5000E miller Rd. Decatur Georgia 30030,

and, all parties required to be served have been served, Parties Addresses supra.

Note: this Affidavit is pursuant to rule 28(s)(c) of the rules of the supreme Court.

Thomas G. Dean

943 North Ave. N.E.
Atlanta Georgia 30306
404 - 872 - 3626

the petitioner

END OF DOCUMENT